IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 171 (M/B) of 2006 (crl)

Murtaza,
son of Kasim, (Jati Jhoja),
resident of Village-Bijholi,
P.S. Manglore,
District- Haridwar. ……Petitioner

V e r s u s

1. State of Uttaranchal, through Senior Superintendent of Police, Haridwar, District- Haridwar.
2. State Officer, P.S. – Manglore, District – Haridwar.
3. Subhash Kumar Lekhpal, Area Bijholi, P.S. – Manglore District- Haridwar.

……..Respondents

Sri Manish Arora, learned counsel for the petitioner.
Learned Government Advocate, for respondents.

Coram:
Hon'ble M.M. Ghildiyal, J.
Hon'ble B.C. Kandpal, J.

(Per Hon'ble B.C. Kandpal, J.)

By way of this petition, the petitioner has prayed for issuing a writ in the nature of Certiorari quashing the F.I.R. in case crime 246 of 2005 under section 379, 411 P.S. – Manglore, District – Haridwar.

Heard Sri Manish Arora, learned counsel for the petitioner, learned Government Advocate, who put an appearance on behalf of respondents no. 1 and 2. and perused the record.

Learned counsel for the petitioner has argued that no prima facie case is made out against the petitioner and the petitioner has been falsely implicated on account of village enmity.

We do not find any force in this argument.

We are not supposed to assess the reliability of the evidence at this stage. The evidence are yet to be collected by the prosecution agency and we cannot act as the Trial Judge, especially, when the evidence are incomplete and hazy.

Petition lacks of merit and liable to be dismissed. Accordingly, the writ petition is dismissed.

(B.C.Kandpal, J.) **(M.M. Ghildiyal, J.)**

February 17, 2006
SKSharma